

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ARIF ATIYEH,)	
trading as WOW Outlet;)	
and GEORGE ATIYEH,)	
)	Civil Action
Plaintiffs)	No. 07-cv-04798
)	
vs.)	
)	
NATIONAL FIRE INSURANCE COMPANY)	
OF HARTFORD;)	
and CNA,)	
)	
Defendants)	

O R D E R

NOW, this 30th day of September 2008, upon consideration of National Fire Insurance Company of Hartford's Motion to Dismiss Plaintiffs' Complaint, which motion was filed on November 21, 2007; upon consideration of plaintiffs' Answer to Defendants' Motion to Dismiss Plaintiffs' Complaint, which response was filed on January 25, 2008; upon consideration of National Fire Insurance Company of Hartford's Reply to Plaintiffs' Response to the Motion to Dismiss Plaintiffs' Complaint, which reply was filed on February 4, 2008; upon consideration of the briefs of the parties; and for the reasons articulated in the accompanying Memorandum,

IT IS ORDERED that National Fire Insurance Company of Hartford's Motion to Dismiss Plaintiffs' Complaint is granted.

IT IS FURTHER ORDERED that Count I alleging Breach of Contract is dismissed from plaintiffs' Complaint.

IT IS FURTHER ORDERED that Count II alleging a Bad Faith claim is dismissed from plaintiffs' Complaint without prejudice for plaintiff Arif Atiyeh to amend his Bad Faith claim.

IT IS FURTHER ORDERED that plaintiff George Atiyeh is dismissed as a party to this action, and the Clerk of Court shall mark the docket accordingly.

IT IS FURTHER ORDERED that plaintiff Arif Atiyeh, trading as WOW Outlet, shall have until on or before October 31, 2008 to file an amended complaint more specifically alleging his Bad Faith claim in Count II, consistent with the accompanying Memorandum. Failure to file an amended complaint by October 31, 2008 may result in dismissal of this action for lack of prosecution.

BY THE COURT:

/s/ James Knoll Gardner
James Knoll Gardner
United States District Judge